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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 JOHN HOWES, *et al.*,

8 Plaintiffs,

9 v.

10 CITY OF SEATTLE, *et al.*,

11 Defendants.

No. C07-1391RSL

ORDER GRANTING IN PART
MOTION TO EXTEND
DISPOSITIVE MOTION DEADLINE

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13 This matter comes before the Court on “Defendants’ Motion to Extend Dispositive
14 Motion Deadline.” Dkt. # 61.¹ Defendants claim that scheduling conflicts have delayed the
15 depositions of Ashley, John, and Mary Howes until the last week of January and first week of
16 February, making it virtually impossible to file summary judgment motions by the Court-ordered
17 deadline of February 3, 2009. They therefore seek a thirty-day extension of time in which to file
18 dispositive motions.

19 Plaintiffs do not contest defendants’ assertion that they first attempted to schedule
20 plaintiffs’ depositions in mid-November. Plaintiffs acknowledge that some of the scheduling
21 difficulties were caused by plaintiffs’ unavailability, the need to associate new counsel, and the
22 need to appoint a guardian *ad litem* for Ashley. They assert, however, that efforts to schedule
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25 ¹ Plaintiffs’ “Cross-Motion to Strike Late Expert Disclosure” (Dkt. # 64) is completely unrelated
26 to the underlying motion and will be considered after it is fully briefed on or about February 20, 2009.
Defendants’ request to strike the “cross-motion” is DENIED.

ORDER GRANTING IN PART MOTION TO
EXTEND DISPOSITIVE MOTION DEADLINE

these depositions should have begun earlier and that defendants should file their dispositive motions without the benefit of Ashley's deposition. Plaintiffs also take issue with the length of the requested extension.

Having reviewed the memoranda, declarations, and exhibits submitted by the parties and having conferred with counsel via teleconference on February 3, 2009, the Court finds that a brief extension of time in which to file dispositive motions is appropriate. The recent appointment of a guardian *ad litem* for Ashley Howes necessitated a further delay in her deposition. Because defendants have every right to depose Ashley before determining whether and on what grounds to file dispositive motions, the deadline for filing such motions will be extended for two weeks following completion of the deposition, which the Court hopes will occur before the end of the week.

For all of the foregoing reasons, defendants' motion for an extension of time is GRANTED in part. The deadline for filing dispositive motions in the above-captioned matter is hereby continued to fourteen days after the deposition of Ashley Howes.

Dated this 4th day of February, 2009.

Mr S Casnik

Robert S. Lasnik
United States District Judge